IN THE HIGH COURT OF BOMBAY AT GOA
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APPEALS FROM ORDER NO. 86 OF 1996 AND 87 OF 1996

APPEAL FROM ORDER NO. 86 OF 1996

1. Jatoyah Investments &
   Holdings Pvt. Ltd., and

2. Anthony Trinidade,
   Director of appellant
   no.1, both the above with
   their registered address
   at Allied 'B' Wing,
   207/208, St. John's Road,
   Pali Hill, Bandra,
   Bombay 400 050. ... Appellants.

Versus

1. Prince Dandona,

2. Mona Dandona,
   both r/o Swaran,
   670, Khar Pali Road,
   Khar, Bombay - 400 050,

3. Marina Resorts Pvt. Ltd.,
   a company incorporated
   under the Companies Act,
   1956, having its regist-
   ered office at
   Shantivanam, Office No.7,
   Manuel Gonsalves Rd.,
   Bandra, Bombay 400 050,

4. Shelly Kapoor, and

5. Franklin Paul, both r/o,
   Calangute, Bardez, Goa. ... Respondents.

Shri M. S. Usgaokar, Senior Advocate with Ms. R. Sardessai, advocate for the appellants.

Shri S. G. Dessai, Senior Advocate with Shri A. B. D'Sa, advocate for respondents no. 1 to 3 and 5.

Shri M. S. Sonak, advocate for respondent no.4 (on leave).

APPEAL FROM ORDER NO. 87 OF 1996

1. Mr. Prince Dandona,

2. Mrs. Mona Dandona,

both r/o 'Swaran', 670,
Khar Pali Road, Khar,
Mumbai 400 052,

3. Marina Resorts Pvt. Ltd.,
a company incorporated
under the Companies Act,
1956 and having its
registered Office at
'Shantivanam', Office No.7,
Manuel Gonsalves Road,
Bandra, Mumbai 400 050, and

4. Mr. Franklin Paul,
r/o Hillside Resorts,
Near Calangute Police
Station, Calangute,
Bardez, Goa. ... Appellants.

Versus

1. M/s Jatoyah Investments &
Holdings Pvt. Ltd., a
Private Limited Company
incorporated under the
Companies Act, 1956,
having its registered office
at Allied 'B' Wing, 207/208,
St. John's Road, Bandra,
Mumbai 400 050,

2. Mr. Anthony Trinidade,
of Mumbai, presently r/o
Paradise Village Beach
Resort, Tivaiwaddo,
Calangute, Bardez, Goa, and

3. Mr. Shelly Kapoor,
Kinara 'A', 202,
Yari Road, Versova,
Andheri (West),
Mumbai 400 061. ... Respondents.

Shri S. G. Dessai, Senior Advocate with Shri Arun B. D'Sa, advocate for the appellants.

Shri M. S. Usgaokar, Senior Advocate with Ms. R. Sardessai, advocate for respondents no.1 and 2.

Shri M. S. Sonak, advocate for respondent no.3 (on leave).

CORAM: S. RADHAKRISHNAN, J.

DATE: 17th August, 2002.

ORAL JUDGMENT

Heard learned counsel for both the parties. Both the parties have challenged the same impugned Order by the aforesaid respective Appeals. After hearing the parties for sometime, in the larger interests of justice, it would be just and proper to expedite the hearing of the suits pending before the trial Court for the last nearly six years, namely, Special Civil Suit No.29/96 and also the connected Special Civil Suit No.7/99/A.

2. Under these circumstances, it is agreed between the parties that the suits should be expeditiously disposed of in the larger interests of justice. Hence, the hearing of the Special Civil Suit No.29/96 as well as the connected Special Civil Suit No.7/99/A, is expedited. The Civil Judge, Senior Division, Mapusa, is directed to dispose of the Special Civil Suit No.29/96 as well as the Special Civil Suit No.7/99/A as expeditiously as possible, preferably on or before 31st March, 2003.

3. It appears that the appellant no.1 in Appeal From Order No.87/96 has already deposited a sum of Rs.1,01,72,950/-, which the learned counsel for the parties state has been duly invested by the trial Court. The learned counsel for the appellant no.1 in Appeal From Order No.87/96 prayed that the appellant no.1 be allowed to withdraw the same alongwith accrued interest during

the pendency of the hearing and final disposal of the above suits. Mr. Usgaokar, learned counsel for appellants in Appeal From Order No.86 of 1996 has no objection, provided the appellant no.1 in Appeal From Order No.87 of 1996 provides sufficient security to the satisfaction of the trial Court. Hence appellant no.1 is permitted to withdraw the said sum of Rs.1,01,72,950/- alongwith accrued interest on furnishing security to the satisfaction of the trial Court.

4. In view of the expedited hearing of both the aforesaid Special Civil Suits, no further order is needed in both the aforesaid Appeals from Order, which are, in fact, appeals against an interlocutory order. Both the Appeals From Order stand disposed of in the above terms.

5. Parties to impress upon the Civil Judge, Senior Division, Mapusa, to act on a true copy of this Order duly authenticated by the Court Sheristedar.

S. RADHAKRISHNAN, J.

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